

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS,

Defendant.

Civil No. 1:21-cv-796-RP

**UNOPPOSED MOTION FOR LEAVE TO APPEAR WITHOUT LOCAL COUNSEL
AND FOR EXEMPTION FROM THE PRO HAC VICE ADMISSION FEE**

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**pro hac vice* application pending

+*pro hac vice* applications forthcoming

(Complete counsel list appears on final signature page)

**UNOPPOSED MOTION FOR LEAVE TO APPEAR WITHOUT LOCAL COUNSEL
AND FOR EXEMPTION FROM THE PRO HAC VICE ADMISSION FEE**

The Commonwealth of Massachusetts, together with *Amici* States California, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Wisconsin, and the Attorney General of North Carolina Joshua H. Stein, hereby respectfully seek this Court's leave to participate in this litigation as *amici curiae* without local counsel pursuant to Local Rule AT-2 and, as government attorneys, without paying the admission fee, pursuant to Local Rule AT-1(g). For the reasons explained in the accompanying memorandum, the *Amici* States respectfully submit that granting this relief will comport with the purpose of Local Rule AT-2 that counsel be present and available to argue a party's position at any hearing called by the presiding judge on short notice. As reflected in the appended certificate of conference, the parties do not oppose this motion.

Respectfully submitted,

MAURA HEALEY
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ELIZABETH N. DEWAR
State Solicitor
ABIGAIL B. TAYLOR
Chief, Civil Rights Division
AMANDA HAINSWORTH
Assistant Attorney General

/s/ Amanda Hainsworth
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Date: September 15, 2021

**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION
FOR LEAVE TO APPEAR WITHOUT LOCAL COUNSEL
AND FOR EXEMPTION FROM THE PRO HAC VICE ADMISSION FEE**

Proposed *Amici* States, represented for purposes of this motion by Massachusetts, through its Attorney General, respectfully move the Court pursuant to Local Rule AT-2 for leave to appear without local counsel, as well as pursuant to Local Rule AT-1(g) for admission *pro hac vice* without paying the admission fee. In support, the proposed *Amici* States respectfully submit the following:

1. Proposed *Amici* States will seek leave of this Court to file an *amicus* brief supporting Plaintiff United States of America's motion for a temporary restraining order and preliminary injunction, in furtherance of the proposed *Amici* States' interests in the subject matter of this litigation.

2. Undersigned counsel are employed by the Commonwealth of Massachusetts and are therefore "exempt while so employed from payment of any fee for . . . pro hac vice appearance" under Local Rule AT-1(g).

3. All counsel identified as representing Plaintiff are based in Washington, D.C. *See* Complaint, ECF No. 1, at 27. As any hearing on short notice will therefore likely require other counsel to travel as well, it is unlikely that additional delay would be incurred for counsel for the proposed *Amici* States to travel to attend such a hearing. Moreover, because the proposed State *Amici* seek leave to appear only for purposes of filing a brief as *amici curiae*, it is also unlikely that the proposed *Amici* States will be required to appear at hearings, decreasing the chance of any inconvenience to the Court or parties if this motion is granted.

4. Even if travel is required, however, counsel for the proposed *Amici* States certify to this Court that they will be available for hearings called on short notice. Assistant Attorney

General Amanda Hainsworth (whose *pro hac vice* application is being filed with this motion) resides within 8 miles of Boston Logan International Airport, which has direct, approximately four-hour-long flights to the Austin-Bergstrom International Airport. She has familiarized herself with the Local Rules of the U.S. District Court for the Western District of Texas and is prepared to abide by its rules and procedures. *See* Declaration of Amanda Hainsworth, *infra*.

5. As set forth in the accompanying certificate of conference, undersigned counsel has conferred with counsel for the Plaintiff and for Defendant. No party opposes this motion.

For the foregoing reasons, the proposed *Amici* States respectfully request that the Court enter an Order allowing them to appear without local counsel and without paying the *pro hac vice* appearance fee. A proposed order is attached below.

Respectfully submitted,

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Attorney General of Massachusetts
ELIZABETH N. DEWAR
State Solicitor
ABIGAIL B. TAYLOR
Chief, Civil Rights Division
AMANDA HAINSWORTH
Assistant Attorney General

/s/ Amanda Hainsworth
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DECLARATION OF AMANDA HAINSWORTH

I, Amanda Hainsworth, declare:

1. I am an attorney at law in good standing licensed to practice in the courts of the Commonwealth of Massachusetts. I have been appointed and currently serve as an Assistant Attorney General in the Massachusetts' Office of the Attorney General. In this capacity, I have been assigned to appear on behalf of the proposed *Amici* States in this matter. I have personal knowledge of and would testify competently to the facts set forth herein.

2. I live within 8 miles of Boston Logan International Airport, which has direct, approximately four-hour-long flights to Austin-Bergstrom International Airport. I certify to the Court that, if so required, I will be available for hearings called on short notice.

3. Each of the Assistant Attorneys General in Massachusetts' Office of the Attorney General assigned to this case, including myself, have familiarized themselves with the Local Rules of the Western District of Texas, and we are each prepared to abide by the Court's rules and procedures.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was signed on this date in Boston, Massachusetts.

Executed on this 15th day of September, 2021, at Boston, Massachusetts.

/s/ Amanda Hainsworth
Amanda Hainsworth

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule AT-4(g), I hereby certify on this 15th day of September, 2021, that counsel for the Commonwealth of Massachusetts conferred with counsel for the parties regarding the foregoing motion for leave to appear without local counsel. Counsel for Plaintiff United States of America and counsel for Defendant State of Texas do not oppose this motion.

/s/ Amanda Hainsworth
Amanda Hainsworth

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2021, I electronically submitted the foregoing motion seeking leave to appear without local counsel using the Court's electronic system for submitting *pro hac vice* applications, emailed courtesy copies all parties to the case, and also mailed paper copies of this motion to all parties in this matter, namely:

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/s/ Amanda Hainsworth
Amanda Hainsworth

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS,

Defendant.

Civil No. 1:21-cv-796-RP

**[PROPOSED] ORDER GRANTING MOTION
FOR LEAVE TO APPEAR WITHOUT LOCAL COUNSEL
AND FOR EXEMPTION FROM THE PRO HAC VICE APPEARANCE FEE**

Before the Court is the Motion for Leave to Appear Without Local Counsel and For Exemption from Pro Hac Vice Appearance Fee filed on September 15, 2021, by the Commonwealth of Massachusetts as counsel for proposed *amici* States (ECF No. __). Having considered the Motion, and noting that it is not opposed by the Parties, the Court finds that it should be and is hereby **GRANTED**.

Accordingly, it is hereby **ORDERED** that the proposed *amici* States' counsel is required to fulfill all local counsel requirements and abide by all local rules of this Court. The Court further advises that if proceeding without local counsel disrupts this litigation or otherwise results in failure to comply with the rules of this Court, proposed *amici* States will be required to immediately obtain local counsel.

SO ORDERED on this day of _____, 2021.

THE HONORABLE ROBERT PITMAN
UNITED STATES DISTRICT JUDGE